

THE CITY COUNCIL

OFFICIAL PROCEEDINGS

REGULAR MEETING

Quincy, Illinois, August 23, 2010

The regular meeting of the City Council was held this day at 7:30 p.m. with Mayor John A. Spring being absent the meeting was called to order by the City Clerk.

The following members were physically present:

Ald. Bumbry, Goehl, Duesterhaus, Bauer, Moore, Havermale, Farha, Sassen, Rein, Lepper, Vahlkamp, Brink, Holtschlag, Reis. 14.

The minutes of the regular meeting of the City Council held August 16, 2010, were approved as printed, on a motion of Ald. Duesterhaus. Motion carried.

The City Clerk presented and read the following:

PETITIONS

By Quincy Notre Dame High School requesting permission to conduct a raffle and have the bond requirement waived from 9/1/10 through 6/30/11. The City Clerk recommends approval of the permit.

Ald. Reis moved the prayer of the petition be granted. Motion carried.

A revocable permit application for encroachment of City right-of-way by Alzheimer's Association requesting permission to hang a banner across 5th and Maine from August 25th through September 5th promoting the Alzheimer's Association Memory Walk on Thursday, Sept. 2nd at Clat Adams Park. The City Engineer presents this request.

Ald. Holtschlag moved the prayer of the petition be granted. Motion carried.

REPORT OF ZONING BOARD OF APPEALS

Recommending the request to extend the C1B District south to the south line of the property at 2002 Maine be denied.

Formal Request for Review of the ZBA Denial of Variance at 2002 Maine

August 19, 2010

VIA HAND DELIVERY

Ms. Jenny Hayden

City Clerk

City Hall

730 Maine Street

Quincy, IL 62301

Re: Request for Review - ZBA Denial of Variance at 2002 Maine

Dear Ms. Hayden:

Pursuant to Section 11.705 of the Municipal Code of the City of Quincy, Illinois, (1980) (the "Code"), this shall serve as a formal Request for Review of the Zoning Board of Appeals' recommendation to deny the Petition for a Variance filed by Theresa and Louis J. Quintero regarding 2002 Maine Street. This Request for Review is timely brought within 30 days of the recommendation by the ZBA, which was made on August 17, 2010.

As an initial point, the ZBA based its recommendation to deny the zoning variance solely upon the need to maintain a "buffer" between commercial and residential districts. In this connection, ZBA Chairman Ron Frillman stated, "I would make the motion that we deny the request on the grounds that we would like to maintain a buffer between commercial and residential [districts]." However, the members of the ZBA failed to discuss or otherwise address the fact that the Code already includes specific requirements for a buffer between commercial and residential districts. Section 29.403(5) of the Code provides:

Where a side or rear yard in a commercial district is adjacent to a residential district, such yard shall have a width or depth of 15' and provide sight proof landscaping and/or fencing to screen the use from adjacent properties as approved on a site plan per requirements in Article XV.

Further, Section 29.602(12) of the Code, addressing parking, provides, in part:

Where parking is provided in a commercial district adjacent to a residential district...all parking spaces shall be set back from the residential district 15'. This setback shall be a landscaped area providing sight proof landscaping and/or fence-

ing to screen the use from adjacent properties as approved on a site plan per requirements in Article XV.

The ZBA's recommendation would create a 47' "buffer" zone, which not only improperly contradicts the Code, but also may constitute an unlawful taking and/or restraint of Dr. Quintero's property.¹ Further, it should be noted that had Dr. Quintero been given the opportunity to address the "buffer" issue (which, inexplicably, he was not), we would have noted that all plans for development of 2002 Maine (including adaptive reuse of the existing structure and any new structure) incorporate full compliance with Sections 29.403(5) and 29.602(12) of the Code. This point further underscores the fact that the ZBA's rationale is misguided—currently, there is no "buffer" to maintain because the area zoned R1A has been used as commercial parking for nearly 50 years with no buffer. (*Emphasis added.*)

In light of the above, and given that no other justification was provided by the ZBA for its recommendation to deny the Petition for a Variance, we respectfully request that the City Council reject the recommendation of the ZBA or otherwise send the matter back to the ZBA for further review. Copies of the materials used in Dr. Quintero's presentation to the ZBA are attached hereto.

Sincerely,
Ryan T. Brown

¹In this connection, the ZBA's recommendation to maintain the R1A zoned area as a "buffer" is without precedent as it would require Dr. Quintero to maintain a 47' buffer from his southern residential neighbor (compared to the 15' buffer mandated by the Code) and would leave him with no development options regarding the remaining 104' of the lot zoned C1B (at least as long as the existing structure stands).

Request to Speak

Written request to speak under suspended rules by Scott Larson, 4015 Hampton Lane, on behalf of Louis J. Quintero; Vicki Dempsey, 1680 Maine, President of Quincy Preserves and Terrell Dempsey, 1680 Maine, as a resident of Maine Street and concerned citizen regarding the zoning issued of 2002 Maine.

Rules Suspended

Ald. Farha moved the rules be suspended at this time to hear from the above individuals. Motion carried.

Attorney Scott Larson, 226 N. 6th, filling in for Attorney Ryan T. Brown on behalf of Louis J. Quintero. Attorney Larson asked the council to extend zoning of C1B to the 47' parcel. He stated this parcel had been used as commercial for the past 35 years and was asking to have it properly zoned for that use. The parcel was 2/3 zoned C1B and 1/3 R1A and had been used as a parking lot under the R1A. He asked the council to review the Zoning Board of Appeals decision and to overturn it.

Vicki Dempsey, 1680 Maine, President of Quincy Preserves, spoke on behalf of the Preserves and asked the council to adopt the recommendation of the Zoning Board of Appeals. This property has always had the aspects of residential and the Preserve would like for it to remain that way. It is a 1910 Stone Bungalow; she is asking that be taken into consideration and adopt the Zoning Board of Appeals recommendation to deny the variance at 2002 Maine.

Terrell Dempsey, 1680 Maine, as a resident of Maine Street, answered some questions the Aldermen asked of other presenters. He questioned why undo what has worked for 35 years. Preserve the status quo of the neighborhood. He stated with the buffer as it is would take away the desire to tear down the building.

Ald. Farha moved the rules be resumed. Motion carried.

Ald. Farha moved to concur in the recommendation of the Zoning Board of Appeals, seconded by Ald. Sassen, and on the roll call the following vote resulted: Yeas: Ald. Moore, Havermale, Farha, Sassen, Rein, Brink. 6. Nays: Ald. Bumbry, Goehl, Duesterhaus, Bauer, Lepper, Vahlkamp, Holtschlag, Reis. 8. Motion lost.

Ald. Duesterhaus moved to grant the request of the petition that uniform zoning, as requested, be placed on the entire lot, seconded by Ald. Vahlkamp, and on the roll call the following vote resulted: Yeas: Bumbry, Goehl, Duesterhaus, Bauer, Lepper, Vahlkamp, Holtschlag, Reis. 8. Nays: Ald. Moore, Havermale, Farha, Sassen, Rein, Brink. 6. Motion carried.

MAYOR'S APPOINTMENT

By Mayor John A. Spring making the appointment of Todd Shackelford to the Human Rights Commission.

Ald. Vahlkamp moved the appointment be confirmed. Motion carried.

PROCLAMATION

By John A. Spring proclaiming August 26th as "Women's Equality Day".

Ald. Duesterhaus moved the proclamation be received and filed. Motion carried.

RESOLUTION

WHEREAS, the City of Quincy was awarded \$262,460 in Illinois Transportation Enhancement Program (ITEP) grant funds for construction of a bicycle and pedestrian connector trail between Clat Adams and Edgewater Park; and

WHEREAS, engineer plans need to be prepared for both the City and Illinois Department of Transportation review; and

WHEREAS, \$52,000 in funds for the engineering of this improvement are available in the TIF account; and

WHEREAS, the engineering firm of Klingner & Associates, P.C. has the resources to complete the engineering plans and specifications and are familiar with the proposed design and layout of the Riverfront Corridor project.

NOW, THEREFORE BE IT RESOLVED that the City Engineer and the Planning Director recommend to the Mayor and City Council that the engineering firm of Klingner & Associates, P.C. be retained under the City's Professional Services Ordinance 13.1620 to provide engineering services for the Riverfront Corridor Project and that the Mayor be authorized to execute the documents to hire Klingner & Associates, P.C. to perform this work in the amount of \$52,000.

This Resolution shall be in full force and effect from and after its passage, as provided by law.

PASSED and APPROVED this 24th day August, 2010.

Jenny Hayden, City Clerk

John A. Spring, Mayor

Ald. Reis moved for the adoption of the resolution, seconded by Ald. Holtschlag, and on the roll call the following vote resulted: Yeas: Ald. Bumbry, Goehl, Duesterhaus, Bauer, Moore, Havermale, Farha, Sassen, Rein, Lepper, Holtschlag, Reis. 12. Nays: Ald. Vahlkamp, Brink. 2. Motion carried.

RESOLUTION

WHEREAS, the City of Quincy was awarded \$691,600 in Illinois Transportation Enhancement Program (ITEP) grant funds for construction of streetscape around the Adams County Health Department and Kroc Center; and

WHEREAS, engineer plans need to be prepared for both the City and Illinois Department of Transportation's review; and

WHEREAS, \$114,145 in funds for the engineering plans are available in the TIF account; and

WHEREAS, the engineering firm of Architechnics, Inc. has the resources to complete the engineering plans and specifications and is familiar with the proposed design and layout of the Adams County Health Department and Kroc Center projects.

NOW, THEREFORE BE IT RESOLVED that the City Engineer and the Planning Director recommend to the Mayor and City Council that the engineering firm of Architechnics, Inc. be retained under the City's Professional Services Ordinance 13.1620 to provide engineering services for the streetscape project for the Adams County Health Department and Kroc Center and that the Mayor be authorized to execute the documents to hire Architechnics, Inc. to perform this work in the amount of \$114,145.

This Resolution shall be in full force and effect from and after its passage, as provided by law.

PASSED AND APPROVED this 24th day of August 2010.

Jenny Hayden, City Clerk

John A. Spring, Mayor

Ald. Reis moved for the adoption of the resolution, seconded by Ald. Holtschlag, and on the roll call the following vote resulted: Yeas: Bumbry, Goehl, Duesterhaus, Bauer, Moore, Havermale, Farha, Sassen, Rein, Lepper, Brink, Holtschlag, Reis. 13. Nays: Ald. Vahlkamp. 1. Motion carried.

ORDINANCE

Reading of an ordinance entitled: An Ordinance Amending Article II (Use Of Premises In The City And All Contiguous Unincorporated Territory Within One And One-Half Miles Of The Quincy Corporate Limits Is Regulated) And Article XIV (Signs) Of Chapter 29 (Zoning) Of The Municipal Code Of The City Of Quincy (1980). (Ground Mounted Signs)

Ald. Havermale moved the ordinance be read by its title, seconded by Ald. Reis. Motion carried.

The City Clerk read the ordinance by its title.

ORDINANCE

Reading of an ordinance entitled: An Ordinance Granting Variations From Zoning Regulations. (5435 Glencrie Dr., vary front yard setback from 25' to 15' to allow construction of a residence)

Ald. Havermale moved the ordinance be read by its title, seconded by Ald. Moore. Motion carried.

The City Clerk read the ordinance by its title.

Ald. Havermale moved the requirements of Section 2.207 of the City Code of the City of Quincy be waived and the ordinance adopted, seconded by Ald. Moore, and on the roll call each of the 14 Aldermen voted yea.

The Chair, Mayor John A. Spring, declared the motion carried and the ordinance adopted.

ORDINANCE

Reading of an ordinance entitled: An Ordinance Granting Variations From Zoning Regulations. (1401 N. 7th, vary side yard setback of a residentially-zoned corner lot from 29' to 19' to allow a 10'x16' roofed deck to extend from the south side of the residence)

Ald. Goehl moved the ordinance be read by its title, seconded by Ald. Bumbry. Motion carried.

The City Clerk read the ordinance by its title.

Ald. Goehl moved the requirements of Section 2.207 of the City Code of the City of Quincy be waived and the ordinance adopted, seconded by Ald. Bumbry, and on the roll call each of the 14 Aldermen voted yea.

The Chair, Mayor John A. Spring, declared the motion carried and the ordinance adopted.

ORDINANCE

Reading of an ordinance entitled: An Ordinance Granting Variations From Zoning Regulations. (2617 N. 5th, vary the maximum area of an accessory building from 1200 sq. ft. to 2,000 sq. ft. to allow a greenhouse to be built 50' from the west property line and 60' feet from the south property line)

Ald. Goehl moved the ordinance be read by its title, seconded by Ald. Bumbry. Motion carried.

The City Clerk read the ordinance by its title.

Ald. Goehl moved the requirements of Section 2.207 of the City Code of the City of Quincy be waived and the ordinance adopted, seconded by Ald. Bumbry, and on the roll call each of the 14 Aldermen voted yea.

The Chair, Mayor John A. Spring, declared the motion carried and the ordinance adopted.

REPORT OF FINANCE COMMITTEE

Quincy, Illinois, August 23, 2010

| | Transfers | Expenditures | Payroll 8/27/10 |
|------------------------------------|------------------|------------------|--------------------|
| City Hall | | 1,478.83 | 757.69 |
| 9-1-1 | 1,000.00 | | |
| Transit | 50,000.00 | | |
| Central Services..... | 40,000.00 | | |
| Airport | 8,000.00 | | |
| Building Maintenance | | 1,335.05 | |
| Legal Department | | 3,581.39 | |
| MIS Department | | 7,941.01 | |
| Police Department | | 12,589.60 | |
| Fire Department | | 2,800.71 | |
| Engineering..... | | 305.21 | |
| Eng-Landfill | | 25.75 | |
| Tax Distribution | | 4,013.42 | |
| GENERAL FUND SUBTOTAL | 99,000.00 | 34,070.97 | 757.69 |
| Planning and Devel..... | | 12,598.32 | |
| 911 System | | 985.47 | |
| Housing Resource Fund | | 560.00 | |
| Traffic Signal Fund..... | | 38.00 | |
| Transit Fund | | 2,854.00 | 25,046.18 |
| Capital Projects Fund | | 4,835.92 | |
| Water Fund | | | |
| Utilities Dept | | 55,716.48 | 14,920.53 |
| Central Services..... | | 8,461.82 | 14,870.83 |
| Sewer Fund | | | |
| Central Services..... | | 8,322.39 | 9,127.58 |
| Utilities Dept | | 37,834.52 | 7,146.21 |
| Quincy Regional Airport Fund | | 1,067.69 | 3,342.69 |
| Municipal Dock | | 148.44 | 1,061.89 |
| Regional Training Facility | | 56.90 | |
| Central Garage | | 60,013.51 | 9,131.44 |
| Central Services Fund..... | | 63,928.07 | 24,928.91 |

| | | | |
|----------------------------------|-------------------|-------------------|--------------------|
| Self Insurance | | 2,853.74 | |
| Econ Dev Revolv Loan Fund | | | |
| TO: Planning & Dev. | 20,000.00 | | |
| CBD Revolving Loan..... | | 240.00 | |
| Neighborhood Housing RLF | | 1,010.93 | |
| BANK 01 TOTALS | 119,000.00 | 295,597.17 | 110,333.95 |
| Motor Fuel Tax | | 2,841.25 | |
| IHDA Grant Fund | | 31,541.00 | |
| HUD Grant Fund | | 71,925.00 | |
| 2009 G/O Library Proj Fund | | 50,075.63 | |
| ALL FUND TOTALS | 119,000.00 | 451,980.05 | 110,333.950 |

Steve Duesterhaus
Michael Farha
Anthony E. Sassen
Raymond Vahlkamp
Ben Bumbry, Jr.

Finance Committee

Ald. Duesterhaus, seconded by Ald. Vahlkamp, moved the reports be received and vouchers be issued for the various amounts and on the roll call each of the 14 Aldermen voted yea. Motion carried.

MOTIONS

Ald. Havermale moved the Traffic Commission consider putting “School Zone” signs on Hampshire Street and any place around the building that it is needed; have the curb in front of Madison School, (on Maine Street) painted yellow, so there is no parking during drop-off and dismissal; and have signs put up that say “No Parking” between 8:00 a.m. – 8:30 a.m. and 2:45 p.m. – 3:30 p.m., so parents will keep moving in their vehicles. Motion carried.

Ald. Brink referred to the Traffic Commission to put a “No Parking” sign on the north east corner of 12th and Jackson. Motion carried.

Ald. Brink moved to allow a block party on September 18th on South 14th, Payson to Ohio, from 6:00 p.m. to midnight with barricades. Motion carried.

Ald. Holtschlag moved to allow a dumpster at 1011 Washington on August 24th for two weeks. Motion carried.

Ald. Holtschlag moved to allow scaffolding on city sidewalk at 916 S. 11th starting Friday, August 27th , for two weeks to do some tuck pointing. Motion carried.

Ald. Holtschlag referred to the Traffic Commission to remove the “School Zone” signs around the Alternative School on South 8th Street. Motion carried.

Ald. Reis moved the City Council adjourn and sit in Executive Session pursuant to 5ILCS 120/2(c)(2), collective negotiating matters, seconded by Ald. Holtschlag, and on a roll call each of the 14 Aldermen voted yea. Motion carried.

CITY COUNCIL RECONVENED

After sitting in Executive Session on the matter pursuant to 5ILCS 120/2(c)(2), collective negotiating matters, Ald. Farha moved the City Council reconvene and sit in regular session at 9:15 p.m. Motion carried.

MOTION

Ald. Reis moved to authorize the administration to accept the PBPA contract regarding Patrol and Other Supervisors including Sergeants that was explained in the Executive Session. Motion carried.

The City Council adjourned at 9:25 p.m. on a motion of Ald. Motion carried.

JENNY HAYDEN, CMC
City Clerk